

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING

November 9, 2016

MAG Office, Saguaro Room

Phoenix, Arizona

MEMBERS ATTENDING

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| Ed Zuercher, Phoenix, Chair | # Darryl H. Crossman, Litchfield Park |
| Marc Skocypec for Patrick Banger, Gilbert | # Gregory Rose, City of Maricopa |
| * Bryant Powell, Apache Junction | Christopher Brady, Mesa |
| Jessica Blazina for David Fitzhugh, Avondale | Kevin Burke, Paradise Valley |
| Roger Klingler, Buckeye | Carl Swenson, Peoria |
| Gary Neiss, Carefree | # Greg Stanley, Pinal County |
| * Peter Jankowski, Cave Creek | John Kross, Queen Creek |
| Marsha Reed, Chandler | * Bryan Meyers, Salt River Pima-Maricopa |
| Dr. Spencer Isom, El Mirage | Indian Community |
| # Brent Billingsley, Florence | Brad Lundahl for Brian Biesemeyer, |
| Alfonso Rodriguez for Phil Dorchester, | Scottsdale |
| Fort McDowell Yavapai Nation | Rick Buss for Bob Wingenroth, Surprise |
| Grady Miller, Fountain Hills | Andrew Ching, Tempe |
| * Michael Celaya, Gila Bend | Reyes Medrano, Jr., Tolleson |
| * Pamela Thompson, Gila River Indian | Joshua Wright, Wickenburg |
| Community | * Jeanne Blackman, Youngtown |
| Kevin Phelps, Glendale | Floyd Roehrich for John Halikowski, ADOT |
| # Brian Dalke, Goodyear | Jennifer Toth for Joy Rich, Maricopa County |
| * Rosemary Arellano, Guadalupe | Scott Smith, Valley Metro/RPTA |

* Those members neither present nor represented by proxy.

Participated by telephone conference call. + Participated by videoconference call.

1. Call to Order

The meeting of the MAG Management Committee was called to order by Chair Ed Zuercher, Phoenix, at 12:02 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mr. Brent Billingsley, Mr. Darryl H. Crossman, Mr. Brian Dalke, Mr. Gregory Rose, and Mr. Greg Stanley joined the meeting via teleconference.

Chair Zuercher noted that Management Committee member Ms. Rosemary Arellano of Guadalupe was retiring. He wished her well in her retirement and thanked her for her efforts to make the region a better place for our residents.

3. Call to the Audience

Chair Zuercher recognized public comment from Mr. John Rusinek, who spoke of freedom of speech. He expressed appreciation for the public input opportunities he has had at MAG. Mr. Rusinek said that this right to freedom of speech should be preserved and that a speaker's name should be included in the minutes. Chair Zuercher thanked Mr. Rusinek. He thanked him for his service to the U.S. as member of the armed forces.

Chair Zuercher recognized public comment from Ms. Dianne Barker, who spoke about the "Meet Me Downtown" events. She indicated that these types of events invigorate urban areas. Ms. Barker recalled that 20 years ago, downtown Phoenix is not the same place it is today. She spoke of Hillary Clinton's statement about the peaceful transference of power in her concession speech. Ms. Barker spoke of working together is important to unity. She remarked that some people have concerns that the government has grown larger than the public sector. Ms. Barker quoted the American's Creed, "I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies." Chair Zuercher thanked Ms. Barker.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith stated that member agency elected officials and staff took a tour of Local Motors Company facilities October 6, 2016. He noted that Local Motors is working on quickly producing autonomous vehicles called "co-creation." Mr. Smith encouraged members to participate in this worthwhile tour.

Mr. Smith stated that ground was broken recently for the 1.9 mile long Gilbert Road light rail extension, which will extend light rail on Main Street to Gilbert Road. Mr. Smith noted that the project, which will open in 2018, will cost approximately \$152 million and will be a great addition to the City of Mesa and the region.

Mr. Smith displayed photographs of the MAG Regional Council, City of Apache Junction staff, and MAG staff, who dressed in purple in support of October as Domestic Violence Awareness Month. He also displayed photographs of city buildings that were lit purple.

Mr. Smith stated that the Environmental Protection Agency (EPA) has filed petitions for a rehearing on the court ruling on the PM-10 lawsuit. At issue is whether the EPA should have allowed early implementation of contingency measures. Mr. Smith stated that the Fifth Circuit Court has upheld early implementation.

Mr. Smith stated that the American Council of Engineering bestowed its 2016 Engineering Excellence Award to HDR, Inc., and MAG for their cost/risk assessment exercise on the MAG Regional Freeway and Highway Program.

Mr. Smith announced that the *Don't Trash Arizona* campaign won the 2016 Public Relations Society of Arizona Copper Anvil Award in the Public Affairs category. The Copper Anvil awards

recognize outstanding public relations tactics and campaigns in the State. Mr. Smith extended his congratulations to MAG Communications Manager Ms. Kelly Taft and her staff.

Mr. Smith stated that the co-location of Department of Public Safety (DPS) troopers at the Arizona Department of Transportation (ADOT) Traffic Operations Center won the 2016 Best Intelligent Transportation Systems (ITS) Planning Project by the Intelligent Transportation Society of America. Mr. Smith stated that this pilot project was recognized for the Best Cost-Benefit Evaluation category and was awarded to MAG, ADOT and DPS. He noted that the benefit-to-cost ratio was \$250 to \$1. Mr. Smith stated that this effort has received notice as a national model. He added that the DPS representative has been going around the country explaining the benefits of the project.

Mr. Smith noted that MAG was commended at the National Federal Highway Administration (FHWA) Traffic Model Improvement Program Webinar as the only metropolitan planning organization (MPO) out of approximately 30 MPOs that does proper validation with speed data by time periods in the U.S. Mr. Smith acknowledged MAG Modeling Manager Vladimir Livshits and his staff for their work on this.

Mr. Smith stated that Freeport-McMoran's Women's International Network visited MAG recently to learn about the MAG organization. He noted that Freeport staff will be visiting other groups in the area. Mr. Smith stated that Freeport-McMoran allows their staff to volunteer, and he requested that members let MAG know if they have any opportunities that might need volunteers.

Chair Zuercher thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Chair Zuercher stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I were on the Consent Agenda.

Chair Zuercher recognized public comment from Mr. Rusinek, who commented on agenda item #5A. He indicated that the trailer and cars have been removed from the 6,000 square foot property next door to his house. Mr. Rusinek expressed that he hoped the problem was fixed, and if so, he wanted to thank the City of Phoenix, Maricopa County, and the State who helped. Mr. Rusinek stated that he thought the new gravel looks pretty good, but he thought it needs Gorilla Snot stabilizer, which is required in the ordinances. Chair Zuercher thanked Mr. Rusinek.

Chair Zuercher recognized public comment from Ms. Barker on all of the Consent Agenda items. She remarked that the minutes reported her comments succinctly. Ms. Barker stated that she spoke about this region having ozone and particulate problems and that children here suffer from asthma. She remarked that Mr. Rusinek's problem is just the tip of the iceberg. Ms. Barker spoke of the one day per week when people are encouraged to use rideshare, bus, rail, and bicycles as alternative forms of transportation. She said she saw Mr. and Mrs. Pence on a bicycle, which she thought was positive. Ms. Barker mentioned comments about getting rid of the EPA. She said that she wants the leaders in the region to be a part of the solution. Ms. Barker expressed support for traffic signalization and Don't Trash Arizona. She suggested letting people know when they get

their driver's license to secure their loads. With the Specifications and Details, she encouraged working together as one. Ms. Barker stated that she was not at the transportation public hearing. She said that when you have a plan you need to act on it and to not do more studies if you are not going to do anything with them. Chair Zuercher thanked Ms. Barker.

Chair Zuercher asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items.

None were noted.

Mr. Josh Wright moved to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I. Mr. Rick Buss seconded, and the vote on the motion passed unanimously.

5A. Approval of the October 5, 2016, Meeting Minutes

The MAG Management Committee, by consent, approved the October 5, 2016, meeting minutes.

5B. Recommendation of Projects for the MAG FY 2017 Traffic Signal Optimization Program

The MAG Management Committee, by consent, recommended approval of the list of FY 2017 Traffic Signal Optimization Program projects. The Fiscal Year (FY) 2017 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2016, includes \$300,000 for the FY 2017 Traffic Signal Optimization Program (TSOP). On September 13, 2016, MAG announced a request for new projects for FY 2017 TSOP projects. Eleven (11) project applications were received. On October 17, 2016, the MAG Intelligent Transportation Systems Committee completed the review of all applications and recommended seven (7) of the proposed projects, plus two additional projects that would involve performing before-and-after evaluations and a workshop to provide training on traffic signal timing software. The execution of these projects would help improve traffic signal coordination along a number of major arterial corridors. The total cost for all nine (9) projects is estimated to be \$282,000. All projects will be carried out using MAG on-call consultants. On October 27, 2016, the MAG Transportation Review Committee recommended approval of the list of FY 2017 Traffic Signal Optimization Program projects.

5C. Proposed 2017 Revision to the 2015 Edition of the MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed revisions to the MAG Standard Specifications and Details for Public Works Construction. These revisions have been recommended for approval by the committee and have been reviewed by MAG member agency Public Works Directors and/or Engineers. It is anticipated that the 2017 Revision to the 2015 Edition will be available for purchase in early January 2017. This item was on the agenda for information and discussion.

5D. Amendment to Extend the Don't Trash Arizona Litter Prevention and Education Contract for an Additional Year

The MAG Management Committee, by consent, recommended approval to extend the consultant contract with Fingerpaint Marketing, Inc., for the final one-year option for the Don't Trash Arizona Litter Prevention and Education Program, and to amend the contract to include the \$300,000 budgeted in the FY 2017 MAG Unified Planning Work Program and Annual Budget for litter prevention and education efforts. The FY 2017 MAG Unified Planning Work Program and Annual Budget, approved by the Regional Council in May 2016, includes \$300,000 in funding for Don't Trash Arizona, a litter prevention and education program. This Proposition 400 program is designed to increase awareness of the health, safety, environmental and economic consequences of freeway litter and ultimately change the behavior of offenders. Don't Trash Arizona is implemented by MAG in cooperation with the Arizona Department of Transportation. In November 2014, the Regional Council Executive Committee approved the selection of Fingerpaint Marketing, Inc. (formerly Olson Communications), as the consultant to design and implement Don't Trash Arizona. Under the terms of the contract, MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability. Based on the ongoing success of the program, the contract was extended for one year in 2015. Staff recommends extending the contract with Fingerpaint Marketing, Inc., for the final year option, for the Don't Trash Arizona program.

5E. Project Changes - Amendment and Administrative Modification to the FY 2017-2021 MAG Transportation Improvement Program, and, as Appropriate, to the 2035 Regional Transportation Plan

The MAG Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2017-2021 MAG Transportation Improvement Program and, as appropriate, to the 2035 Regional Transportation Plan. The Fiscal Year (FY) 2017-2021 MAG Transportation Improvement Program (TIP) was approved by the MAG Regional Council on June 22, 2016, with the last modification approved at the October 26, 2016, Regional Council meeting. Since then, additional project changes and additions to the TIP have been requested by member agencies. On October 27, 2016, the MAG Transportation Review Committee recommended approval of the requested project changes.

5F. Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2017 CMAQ Funding

The MAG Management Committee, by consent, recommended approval of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2017 CMAQ funding. The Fiscal Year (FY) 2017 MAG Unified Planning Work Program and Annual Budget and the FY 2017-2021 MAG Transportation Improvement Program contain \$1,957,284 in FY 2017 Congestion Mitigation and Air Quality Improvement (CMAQ) funding to encourage the purchase and utilization of PM-10 Certified Street Sweepers. An additional \$643,138 in CMAQ is available from carryforward funds and street sweepers that have cost less than anticipated for a total amount of \$2,600,422. On October 27, 2016, the MAG Air Quality Technical Advisory Committee (AQTAC) recommended a prioritized list of proposed PM-10 Certified Street Sweeper Projects

for FY 2017 CMAQ funding. Prior to the AQTAC recommendation, the MAG Street Committee reviewed the proposed street sweeper applications on October 11, 2016, in accordance with the MAG Federal Fund Programming Guidelines and Procedures.

5G. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. We are requesting that street sweeper projects for FY 2016 CMAQ funding be purchased and reimbursement requests be submitted to MAG within one year from the date of the MAG authorization letter. This one year time period addresses Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget. This item was on the agenda for information and discussion.

5H. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2017-2021 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation, Maricopa County, City of Phoenix, City of Surprise, and Valley Metro/RPTA projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5I. Approval of the Draft July 1, 2016 Municipality Resident Population Updates

The MAG Management Committee, by consent, recommended approval of the draft July 1, 2016, Municipality Resident Population Updates for MAG member agencies provided that the County control totals are within two percent of the final control total. MAG staff has prepared draft July 1, 2016, Municipality Resident Population Updates for MAG member agencies. The Updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2010 Census as the base and updated with housing unit data supplied and verified by MAG member agencies. Since there may be changes to the Maricopa County and Pinal County control totals by the Arizona Office of Economic Opportunity, on November 1, 2016, the MAG Population Technical Advisory Committee recommended approval of these draft Updates provided that the Maricopa County and Pinal County control totals are within two percent of the final control total. The Pinal County control total and sub-county figures will be presented to the Central Arizona Governments Regional Council.

6. Draft MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area

Ms. Lindy Bauer, MAG staff, provided an overview on the Draft MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area. Ms. Bauer stated that ground level

ozone is a summer air pollution problem in the region. She indicated that ground level ozone is a summer pollution problem that is formed by a chemical reaction that occurs between volatile organic compounds and nitrogen oxides in the presence of sunlight. In accordance with the Clean Air Act, the Maricopa eight-hour ozone nonattainment area is classified as a Moderate Area for the 0.075 parts per million (ppm) ozone standard set by the Environmental Protection Agency (EPA). Ms. Bauer noted that the Moderate Area Plan is for the 2008 eight-hour ozone standard, not the new 2015 eight-hour ozone standard.

Ms. Bauer discussed the Moderate Area Plan requirements. She stated that the Moderate Area Plan is due January 1, 2017, and the MAG region is required to achieve at least a 15 percent reduction in volatile organic compound emissions over a six-year period. The attainment date for the Moderate Area Plan is July 20, 2018. Ms. Bauer indicated that since the attainment date is in the middle of the summer ozone season, the Plan is required to demonstrate attainment of the standard in the 2017 ozone season. The region will need three years of clean data at the monitors, for years 2015 to 2017, to meet the standard.

Ms. Bauer displayed the current Maricopa eight-hour ozone nonattainment area boundary that encompasses 5,017 square miles. She noted that there are 20 air quality monitors in the nonattainment area.

Ms. Bauer presented the highest three-year average of the fourth highest eight-hour ozone concentrations in the Maricopa nonattainment area. She stated that over time, significant progress has been made to reduce ozone in the nonattainment area. Ms. Bauer commented that in 2016 the region is very close to attaining the 2008 eight-hour ozone standard. In 2016, the region has only one violating monitor, the Pinnacle Peak monitor. The Pinnacle Peak monitor has a three-year average of the fourth high of 0.076 ppm, which is only slightly over the 0.075 ppm standard. Ms. Bauer indicated that the 2014 ozone season will drop off and the years 2015 through 2017 data will be evaluated. She stated that the data looks promising for attainment of the standard in 2017.

Ms. Bauer discussed the 2011 ozone season volatile organic compound emissions in the Maricopa nonattainment area. She stated that the 2011 ozone season is the base for the Moderate Area Plan. The sources of 2011 ozone season daily volatile organic compound emissions include the following: 58.5 percent are biogenic sources; 12.3 percent are onroad sources; 9.8 percent are nonroad; 19.0 percent are area sources; and 0.5 percent are point sources. Ms. Bauer added that biogenics, which includes plants, trees, and vegetation, play a large role in volatile organic compound emissions and that point sources are the smallest category for volatile organic compound emissions.

Ms. Bauer presented the 2011 ozone season nitrogen oxides emissions in the Maricopa nonattainment area. The sources of 2011 ozone season daily nitrogen oxides emissions include the following: 60.9 percent are onroad sources; 28.5 percent are nonroad; 6.3 percent are area sources; 3.0 percent are point sources; and 1.2 percent are biogenic sources.

Ms. Bauer stated that the Moderate Area Eight-Hour Ozone Plan includes 93 existing control measures that have been approved by EPA in prior air quality plans and existing federal control measures. She noted that the Plan also contains a Reasonably Available Control Measure

Demonstration. Ms. Bauer stated that the 93 measures in the Plan were compared to the EPA's Menu of Control Measures and also to the Sacramento Metropolitan Air Quality Management District measures. The results of this analysis indicate that no new or strengthened measures were necessary to demonstrate attainment or meet reasonable further progress.

Ms. Bauer discussed the attainment demonstration. She stated that the MAG air quality modeling system is very sophisticated. For the attainment demonstration, photochemical grid modeling was conducted for 153 days to model the entire ozone season. Ms. Bauer noted that a subset of the 93 control measures was used for the attainment demonstration. She indicated that the Plan demonstrates attainment of the standard in 2017 with a design value of 0.075 ppm. Ms. Bauer noted that because the results were close, a Weight-of-the-Evidence analysis was conducted to support the modeling attainment demonstration.

Ms. Bauer presented the modeling domains. She stated that the modeling domain used by MAG covers the entire United States and portions of Canada and Mexico. Emissions from Canada and Mexico are included to take into account ozone transport.

Ms. Bauer discussed the existing measures used for numeric credit in the attainment demonstration. The 13 measures utilized for emission reduction credits include clean burning fuels, vehicle emissions testing programs, coordinated traffic signal systems, intelligent transportation systems, federal emissions standards, and federal heavy duty diesel vehicle emissions standards to reduce tailpipe emissions.

Ms. Bauer stated that the Moderate Area Plan is also required to include a Rate of Progress Plan. A Rate of Progress Plan is a 15 percent reduction in volatile organic compound emissions. She noted that the first blue bar is the 2011 baseline for volatile organic compound emissions, 195.78 metric tons per day. Ms. Bauer pointed out that the red line represents the target for the 15 percent reduction. The target level is 166.41 metric tons per day. The second blue bar depicts the 2017 volatile organic compound emissions, 165.28 metric tons per day. The 2017 volatile organic compound emissions are below the target level. The Moderate Area Plan meets the 15 percent reduction in volatile organic compound emissions.

Ms. Bauer stated that the Plan also contains contingency measures. Contingency measures are required to be implemented without further action if the area fails to attain the standard or make reasonable further progress. Ms. Bauer indicated that for ozone, contingency measures are required to represent one year's worth of progress, which is a three percent reduction in the 2011 base year nitrogen oxide or volatile organic compound emissions. The existing contingency measures in the Plan provide continuing emission reduction benefits of 3.86 percent above and beyond what is needed for attainment.

Ms. Bauer stated that this is early implementation of contingency measures. EPA has had a longstanding policy to allow early implementation. An area puts the measures in place at the same time as the measures needed for attainment and it receives the extra emissions reduction benefit early. Ms. Bauer stated that the Ninth Circuit Court ruled against EPA's practice of early implementation, saying the contingency measures should be held off to the side, and they could be implemented if they are needed to meet the standard. Ms. Bauer stated that EPA filed a petition

for a rehearing on October 27, 2016. She added that the Fifth Circuit Court upheld early implementation in 2004.

Ms. Bauer stated that the Plan includes motor vehicle emissions budgets for transportation conformity. There is a budget for volatile organic compounds and nitrogen oxides emissions.

Ms. Bauer provided the MAG 2017 Moderate Area Plan schedule. She said that the Plan was before the MAG Management Committee for a possible recommendation to the MAG Regional Council. The MAG Regional Council may adopt the Plan on December 7, 2016. MAG would then submit the Plan to the Arizona Department of Environmental Quality (ADEQ) and EPA by December 16, 2016, to meet the January 1, 2017 deadline.

Mr. Dennis Smith asked Ms. Bauer if the issue with Tesla was too many tons of ozone emissions. Ms. Bauer replied yes.

Mr. Smith asked Ms. Bauer to explain how the potential Volkswagen settlement being discussed could help.

Ms. Bauer replied that it is estimated that approximately \$54 million could come to Arizona. She stated that MAG staff spoke with ADEQ staff, who indicated the funding will be allocated by the Arizona Department of Administration and ADEQ will provide technical assistance. Ms. Bauer reported that one suggested use for the funds is purchasing electric buses or changing out old engines and those emissions reductions would be a part of the emissions bank. Ms. Bauer explained that if a company, such as Tesla, locates in a nonattainment area and has to offset its emissions, it can go to the emissions bank and purchase emission reduction credits. Ms. Bauer added that there might be legislation on this in the upcoming session.

Chair Zuercher thanked Ms. Bauer for her report and asked members if they had questions. None were noted.

Mr. Kevin Phelps moved to recommend adoption of the Draft MAG 2017 Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area. Mr. Chris Brady seconded, and the motion passed unanimously.

7. Regional Freeway and Highway Program Rebalancing

Mr. Bob Hazlett, MAG staff, stated that on October 5, 2016, he reported to the Management Committee that the surplus fund in the Regional Freeway and Highway Program was \$787 million, a number that had increased from \$640 million in April 2016, had now grown to \$907 million.

Mr. Hazlett stated that on October 26, 2016, the MAG Regional Council approved the list of projects for the Regional Freeway and Highway Program 2016 Rebalancing. He said that his presentation would include other projects and possible sequencing.

Mr. Hazlett displayed a map of the project pool. The projects approved for Rebalancing were indicated in blue (\$1.25 billion), the projects under construction were indicated in orange (\$1.77 billion), and the currently programmed projects were indicated in green (\$2.3 billion). Mr. Hazlett noted that the largest project under construction is the South Mountain Freeway. He indicated that the total of all of the projects together is \$5.3 billion to be completed over the next nine to ten years.

Mr. Hazlett stated that one concern is having sufficient labor, materials and environmental clearances to move forward with the projects. Another consideration is where projects will sequence. Mr. Hazlett stated that due to significant time savings from the P3 procurement on the South Mountain Freeway, projects across the Valley can be advanced.

Mr. Hazlett stated that the next big effort will be sequencing. He pointed out capacity and safety needs on Loop 101 and the traffic interchanges on I-17 at Happy Valley Road and Pinnacle Peak Road. Mr. Hazlett stated that ADOT and MAG staff discussed moving to a preconstruction phase with the blue projects. He added that ADOT staff will develop design concept reports to determine a project's scope.

Mr. Hazlett stated that there is a need to determine options because the \$1.25 billion rebalancing pool of projects exceeds the available \$907 million. For example, the Loop 101/Agua Fria does not need to be widened all at once and they want to ensure the project moves forward.

Mr. Hazlett stated that the goal is to have a group of projects by January 2016 to include in the TIP. He noted that MAG, ADOT and FHWA will meet in a couple of weeks to discuss programming. Mr. Hazlett used the Price Freeway and the Santan projects as examples and said that they want to coordinate these projects so that when the Price Freeway is widened, the Santan will be able to accommodate the increase in traffic. Mr. Hazlett stated that the ADOT staff has been awesome to work with on this effort to advance as many projects as possible.

Chair Zuercher thanked Mr. Hazlett for his report. No questions from the Committee were noted.

8. Response to Request for Information on ADA Compliance

Ms. Amy St. Peter, MAG Assistant Director, noted that she would be addressing three purposes for her presentation. First is to respond to a request at the September 14, 2016, MAG Management Committee meeting for a future agenda item on the topic of Americans with Disabilities Act (ADA) transition plans in regard to recent lawsuits related to ADA noncompliance. The second purpose is to provide assistance to MAG member agencies to comply with the ADA. The third purpose is to explore if there is a need and opportunity for regional coordination.

Ms. St. Peter stated that if there is interest in developing a regional response to ADA compliance, MAG would consider existing plans and develop responses that respect the nuances and autonomy of each community.

Ms. St. Peter provided background on ADA. She said that disability in regard to an individual is defined as having a physical or mental impairment that substantially limits one or more major life activities. Disability is also defined as the perception of having an impairment or having record of an impairment in the past.

Ms. St. Peter stated that the ADA became law in 1990 and prohibited discrimination against people with disabilities. Title II, Public Services within State and Local Government, and Title III, Public Accommodations and Services Operated by Private Entities, were revised by the U.S. Department of Justice in 2010. These new design standards have a compliance date of 2012.

Ms. St. Peter advised that transition plans are required to identify changes that need to be made to be in compliance. The plans are also required to include the cost and timeline to make these changes. The plans are considered living documents with the expectation that they will be updated on an ongoing basis.

Ms. St. Peter reported that MAG offers a range of ADA services, including offering assisted listening devices, captioned videos, translation into Braille, etc. All of MAG's meetings, publications and website meet ADA requirements. MAG also maintains a contract with an associate to engage people with disabilities.

Ms. St. Peter stated that MAG member agencies have roles in developing and maintaining their transition plans and coming into compliance with the 2010 design standards. A quick poll of the MAG Building Codes Committee members indicates that municipalities covering 68 percent of the region's population have adopted the new standards. An informal request to the MAG Specifications and Details Committee members indicates a number of the cities have current transition plans or are in the process of updating them now.

Ms. St. Peter said that some cities go beyond meeting the minimum requirements. For example, the City of Surprise's Disability Advisory Commission confers *Above and Beyond Awards* to entities that provide accommodations beyond those required by law. She noted that the Sun City Grand Community Association and Fitness Department received the award for providing several assistive and adaptive items that are not required by ADA but provide greater accessibility. Ms. St. Peter indicated that the Arizona Department of Transportation is working closely with eight Certification of Acceptance agencies to develop an annual update to their transition plans.

Ms. St. Peter stated that there is an opportunity to bring the State statutes into compliance. For example, the 2010 standards indicate the height of signs for accessible parking spaces should be five to seven feet tall, while the State statute still references the old standard of three feet. Many of the recent lawsuits targeted small businesses with parking signs that are not the correct height.

Ms. St. Peter stated that a number of cities have become more involved with ADA issues lately due to the high volume of ADA lawsuits. She noted that ABC 15 reported that a nonprofit agency, Advocates for Individuals with Disabilities, filed more than 1,700 lawsuits against predominantly small businesses for alleged ADA noncompliance. The Arizona Attorney General has stepped in to represent all of the cases and a judge has issued a stay to prevent the agency from filing any additional lawsuits.

Ms. St. Peter stated that there is talk of legislation being introduced at the state and federal levels to give businesses time to make changes so they can comply with ADA and avoid lawsuits. While the disability community does not condone the lawsuits, they maintain that everyone has had since 1990 to comply with ADA and that such legislation could dilute the goals of the ADA, resulting in the community becoming less accessible.

Ms. St. Peter said that during the height of the lawsuits, many cities were receiving calls from businesses and even places of worship for compliance assistance. Many municipalities, such as Chandler, gave out information and resources to support callers come into ADA compliance. Ms. St. Peter added that the Mesa Chamber of Commerce has been coordinating with others to provide training for local businesses.

Ms. St. Peter noted that a number of free resources are available to support compliance. Contact information is listed in the agenda packet. In addition, Ability 360, a nationally-known, local nonprofit agency, has provided a link to a video of a training it co-hosted with partners. Ms. St. Peter indicated she could send the link to Ability 360.

Ms. St. Peter said that MAG also can assist with ADA compliance, for example, the MAG Building Codes Committee can address compliance with the 2010 ADA Design Standards; the MAG Specifications and Details Committee can address the transition plans from the public works perspective; and the MAG Human Services Community Initiatives Committee can connect member agencies with training, nonprofit resources, and regional coordination. Ms. St. Peter also suggested that a stakeholders group could also lend additional support.

Ms. St. Peter expressed appreciation to the cities of Phoenix, Tempe, Chandler and Surprise and to Ability 360 for their assistance in her research. Ms. St. Peter acknowledged Ms. Michele Stokes, the ADA Coordinator for the City of Tempe, for attending the meeting to assist with technical questions related to ADA.

Chair Zuercher thanked Ms. St. Peter for her very thorough report. No questions were noted.

9. 2016 Annual Report on the Status of the Implementation of Proposition 400

Mr. John Bullen, MAG staff, presented the 2016 Annual Report on the status of the implementation of Proposition 400. Mr. Bullen stated that state statutes require MAG issue an annual report on the status of implementation of projects funded through the half-cent sales tax under Proposition 400. He stated that he would be reporting on activity through the end of fiscal year 2016 and that this would be the twelfth report on the program.

Mr. Bullen displayed a chart of total collections of the half cent sales tax, projected to be \$5.1 billion from fiscal years 2017 to 2026. He noted that, compared to last year's report, this represents growth of 5.3 percent.

Mr. Bullen stated that sales tax revenue for FY 2016 was \$397 million. He stated that this is an increase over 2015 revenue. He noted that this is also an increase over 2007 revenue for the first time since the recession. He stated that FY 2016 revenue is \$6 million higher than 2007.

Mr. Bullen stated that, under the Fixing America's Surface Transportation Act (FAST Act), the region has seen an increase in forecasted federal revenue. He stated that, compared to last year, there is anticipated 8.5 percent growth. He noted that this has helped out the life cycle programs.

Mr. Bullen presented the status of the Regional Freeway and Highway Program. He stated that four projects were completed in 2016 and that six were advertised for bid or under construction. Mr. Bullen stated that the biggest accomplishment in 2016 was the progress on the SR-202L South Mountain Freeway. He stated that construction activities have begun on the South Mountain Freeway. He stated that there is an ending cash flow balance of \$787 million. He noted an anticipated increase in that balance as the cost risk analysis and value engineering process continues and the South Mountain Freeway right-of-way costs are finalized.

Mr. Bullen presented the status of the Arterial Life Cycle Program. He stated that \$73.3 million in project expense reimbursements to implementing agencies were issued in FY 2016. He stated that eight projects or project segments were completed. He stated there is an ending fund balance of \$19 million.

Mr. Bullen presented the status of the Transit Life Cycle Program. He stated that there were service improvements on one route in FY 2016. He stated that nine additional routes are planned to be implemented from FY 2017 to FY 2021. He noted that the program is able to continue to fund routes implemented from the start. He noted that revenue operations began on the Central Mesa and Northwest Extension Phase 1 light-rail extensions in FY 2016. He noted a positive fund balance of \$182 million.

Chair Zuercher, leaving the meeting, turned over the gavel to Past Chair Chris Brady to chair the meeting.

Mr. Bullen stated that ongoing issues are consistent from the previous report. He noted the changing nature of revenue sources: the gas tax has not increased, HURF sweeps by the State legislature continue, and the Highway Trust Fund insolvency remains outstanding, even with some stability on federal transportation funding through 2020. He stated that MAG will continue to make project and program adjustment as needs, economic development, and technology change.

Acting Chair Brady thanked Mr. Bullen for his presentation. No questions were noted.

10. Legislative Update

No report was needed.

11. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting were requested.

12. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

Acting Chair Brady noted that the next Management Committee meeting is scheduled for January 11, 2017.

Adjournment

There being no further business, the meeting was adjourned at 1:29 p.m.

Chair

Secretary